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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/785,175	02/20/2001	Shigeru Fujita	024304-00000	2341

7590 02/28/2007  
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EXAMINER

CHANKONG, DOHM

ART UNIT	PAPER NUMBER
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2152

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/28/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

<b>Office Action Summary</b>	Application No.	Applicant(s)	
	09/785,175	FUJITA, SHIGERU	
	Examiner	Art Unit	
	Dohm Chankong	2152	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 26 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 5 and 6 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 5-6 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

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### DETAILED ACTION

1> This action is in response to Applicant's request for continued examination, filed 12.26.2006. Claims 1-4 are canceled. Claim 5 is amended. Claim 6 is added. Claims 5 and 6 are presented for further examination.

2> This is a non-final rejection.

#### *Continued Examination Under 37 CFR 1.114*

3> A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12.26.2006 has been entered.

#### *Response to Arguments*

4> Applicant's arguments with respect to claims 5 and 6 have been considered but are moot in view of the new ground(s) of rejection.

#### *Claim Rejections - 35 USC § 112*

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5> Claims 5 and 6 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

a. Claim 5 is rejected for reciting that the server has server functionality. Applicant's specification expressly contradicts this limitation. Applicant's specification describes the server as "a database server 20 that merely collects transaction history data of all the POS clients and performs aggregation" [pg. 10 «lines 18-20»]. Further, "the database server 20 is not an original server that activates an application...and outputs the processing result to the client" [pg. 10 «lines 23-25»]. The specification goes on to describe other functions that the database server does not perform [pg. 11 «lines 1-11»].

In other words, the database server of Applicant's invention is one of limited capability. However, the claims recite a server that has "server functionality." The term "server functionality" is overbroad and is not supported by the specification because the term suggests that the server should be capable of performing any of the functions such as activating an application or outputting processing results as suggested by Applicant's discussion of traditional servers in the specification [pg. 1 «line 25» to pg. 2 «line 16»]. Therefore, claim 5 is rejected.

b. Claim 6 is rejected as a result of its dependency on claim 5.

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The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

6> Claims 5 and 6 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

c. Claim 5 is rejected for reciting that a server has server functionality “under normal conditions.” Nothing in Applicant’s specification provides guidance as to what constitutes “normal conditions.” This term should be further defined or rewritten to more precisely claim the subject matter of the invention.

For the purposes of this action, the Office interprets “normal conditions” as referring to when a server is running normally and has not gone down.

d. Claim 6 is rejected as a result of its dependency on claim 5.

#### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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7> Claims 5 and 6 are rejected under 35 U.S.C §103(a) as being unpatentable over Itakura et al, U.S Patent No. 6,195,645 ["Itakura"], in view of Watanabe, U.S Patent No. 6,363,354.

8> As to claim 5, Itakura discloses a distributed processing system comprising:

a plurality of clients linked in series [Figure 1];

wherein at least one of said clients is operable in standalone fashion and has server functionality so that it executes processing of application or applications installed therein in response to requests issued by other clients' and outputs the results of the processing to said clients that issued such requests [column 2 «lines 38-55»].

Itakura does not expressly disclose a server. And because Itakura does not disclose a server, Itakura also does not disclose that the one of the clients operates as a back-up server with regard to the rest of the plurality of clients when the at least one server goes down.

9> In the same field of invention, Watanabe is directed towards a POS system that is similar to the POS system taught by Itakura with the primary difference being that Watanabe discloses a POS server apparatus connected to the POS terminals. The POS server in Watanabe's invention provides aggregate processing capability [column 2 «lines 23-36»]. It would have been obvious to one of ordinary skill in the art to modify Itakura to include a POS server as taught by Watanabe to provide a means of storing important information such as PLU data for the POS terminals. Such a combination would have been motivated by a desire to incorporate a means of backing up and synchronizing the information already stored on the POS terminals [see Watanabe, column 8 «lines 38-54»].

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Watanabe also discloses that a POS terminal operates as a back-up server with regard to the rest of the plurality of clients when the at least one server goes down [column 6 «lines 23-32» | column 8 «lines 55-65»]. It would have been obvious to one of ordinary skill in the art to incorporate Watanabe's teachings into Itakura's POS system to provide a means of protecting the system when a server (or master client in Itakura's system) fails. One would have been further motivated to provide such a combination to insure that the system continues to operate properly if the main terminal fails in the system.

10> As to claim 6, Itakura discloses processing of a POS application in a POS client having the server functionality includes at least one of the following: product registration, product search, transaction aggregation per transaction, tax aggregation per transaction, discount per target product, designation of payment method, settlement, transaction history registration, and operator authentication and registration [column 2 «lines 46-55» | column 5 «lines 20-34»].

### *Conclusion*

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

Yamamoto, U.S Patent No. 4.683.536;

Frey, U.S Patent No. 4.713.811;

Yokoyama, U.S Patent No. 4.775.976;

Sugishima, U.S Patent No. 4.887.209;

Kuranami et al, U.S Patent No. 4.896.151;

Patel et al, U.S Patent No. 5.079.740;

Mertens et al, U.S Patent No. 5.251.214;

Yamada, U.S Patent No. 5.343.477.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dohm Chankong whose telephone number is 571.272.3942.

The examiner can normally be reached on Tuesday-Friday [7:30 AM to 4:30 PM].

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bunjob Jaroenchonwanit can be reached on 571.272.3913. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DC



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SUPERVISORY PATENT EXAMINER